

REMARKS

In the Office Action dated October 31, 2006, claims 4-7, 11, 14, 16 and 20-33 are pending. Claims 30-33 were previously withdrawn from consideration. Claims 4-7, 11, 14, 16 and 20-29 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 20, 24 and 26 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,493,231 to Wossner. Claims 4-7, 14, 21, 25 and 27-29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wossner in view of U.S. Patent No. 5,996,454 to Brinks. Claim 16 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Wossner. Claims 11, 22 and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wossner in view of Brinks as applied to claim 21 above, and further in view of U.S. Patent No. 4,336,730 to Kopecko et al.

Arguments Supporting The Withdrawal Of the §112 Rejection of

Claims 4-7, 11, 14, 16 and 20-29:

Claims 4-7, 11, 14, 16 and 20-29 stand rejected under 35 U.S.C. §112, first paragraph, for failure to comply with the written description requirement. The Patent Office argues that there is no support in the original disclosure for finishing the rotor "during manufacture" of the brake rotor assembly. While Applicants disagree with the Patent Office's assertion, Applicants have amended independent claims 21, 24 and 27 to further clarify the issue. Particularly, the invention is directed to a brake rotor assembly that is manufactured and finished prior to mounting to a vehicle. Applicants' entire disclosure is directed the manufacture of a brake rotor assembly wherein the brake rotor is finished prior to mounting the assembly to a vehicle. It is

Applicants' hope that the present amendment resolves any confusion regarding this invention and that the rejection is withdrawn.

Since claims 4-7, 11, 14, 16, 20, 22, 23, 25, 26, 28 and 29 depend directly or indirectly from currently amended independent claims 21, 24 and 27, and add additional limitations thereto, these claims should also now comply with the written description requirement. Therefore, the rejection of claims 4-7, 11, 14, 16 and 20-29 under 35 U.S.C. §112, first paragraph, has been overcome.

Arguments Supporting The Withdrawal Of the §102(b) Rejection of Claims 20, 24 and 26:

Claims 20, 24 and 26 are rejected under 35 U.S.C. §102(b) as being anticipated by Wossner. Applicants are confused as to what the Patent Office means by "parallism" as this is not a word Applicants are familiar with. For the purposes of responding to this rejection, Applicants are going to take "parallism" to mean parallelism. As indicated above, Applicants herein amend independent claim 24 to clarify that the finishing occurs prior to mounting the brake rotor assembly to a vehicle. The method of Wossner discloses an apparatus for machining worn rotors of a vehicle while the rotors are secured to the vehicle. Such a process is separate and distinct from Applicants' invention as claimed which is not discussed or contemplated by Wossner. Further, the present clarifying amendment should make clear that the fixture as recited in independent claims 21 and 24 is a separate fixture and not a portion of the vehicle.

The Examiner is directed to specification for information related to finishing the rotor while assembled to the knuckle and hub but prior to mounting the assembly to a vehicle. As set forth in the background of invention, known methods of finishing rotors at the time of assembly occur prior to complete assembly of the rotor to the knuckle and hub. Furthermore, as set forth

in the specification of the invention, the invention discloses later attaching to a vehicle, such that completion of the assembly to a wheel is done by positioning the wheel over the bolts and threading nuts over the bolts so as to secure the wheel between the nuts and the rotor (see page 12, lines 19-22). Moreover, the specification discloses that the brake assembly 300 is preferably resting on a pallet with unobstructed passages while being finished (see page 21, lines 10-12); it is not attached to a vehicle until after the finishing has occurred. In addition, the specification discloses that after the finishing has occurred, the brake rotor 306 is secured between the wheel 328 and the wheel hub 304 and that the wheel 328 has a tread 330 secured to the outer surface, as is known in the art when attached to a vehicle (see page 25, lines 6-12). The prior art disclosed in Wossner teaches that it is known to finish worn brake rotors by disassembling the knuckle and hub and therefore teaches away from the invention as claimed. Therefore, finishing a rotor prior to mounting the assembly to a vehicle while the rotor is assembled to the knuckle and hub as required by claim 24 is patentably distinct over Wossner.

Claims 20 and 26 depend directly or indirectly from independent claim 24 and add additional limitations thereto. Accordingly, Applicants submit that claims 20 and 26 are believed allowable for the same reasons set forth with respect to independent claim 24.

Arguments Supporting The Withdrawal Of the §103(a) Rejection of

Claims 4-7, 14, 21, 25 and 27-29:

Claims 4-7, 14, 21, 25 and 27-29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wossner in view of Brinks. In response thereto, Applicants refer to the arguments above in support of withdrawal of this rejection as Wossner clearly does not disclose

the invention as recited in the independent claims. Moreover, neither Wossner nor Brinks, taken singly or in combination, teach or even remotely suggest finishing at least one surface of the brake rotor to reduce lateral run-out of the surface of the brake rotor to less than 14µm. Applicants submit that the reduction of the surfaces of the rotor to less than 14µm is distinguishable from the cited references.

Claims 4-7, 14, 25, 28 and 29 depend directly or indirectly from independent claims 21 and 27, respectively, and add additional limitations thereto. Accordingly, Applicants submit that claims 4-7, 14, 25, 28 and 29 are believed allowable for the same reasons set forth with respect to independent claims 21 and 27.

Arguments Supporting The Withdrawal Of the §103(a) Rejection of Claim 16:

Claim 16 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Wossner. As claim 16 depends indirectly from independent claim 24 and adds an additional limitation thereto, the argument above applies equally to claim 16. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 16 and request indication that such claim is allowable.

Arguments Supporting The Withdrawal Of the §103(a) Rejection of Claims 11, 22 and 23:

Claims 11, 22 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wossner in view of Brinks as applied to claim 21 above, and further in view of Kopecko et al. As claims 11, 22 and 23 depend directly or indirectly from claim 21 and add additional

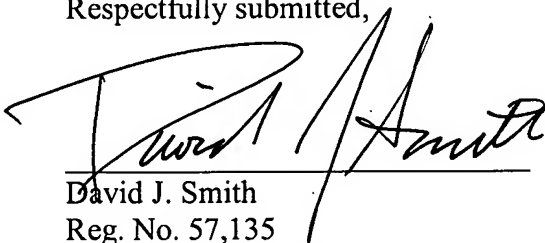
limitations thereto, the above argument applies equally to claims 11, 22 and 23. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 11, 22 and 23 and request indication that such claims are allowable.

In view of the finality of the rejection, Applicants submit these amendments and arguments together with a Request for Continued Examination. In light of the foregoing, Applicants submit that the application is now in condition for allowance, and accordingly, respectfully request the allowance thereof. Should the Examiner have any questions or comments regarding this case, the Examiner is encouraged to call undersigned counsel.

Date: _____

4/2/07

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David J. Smith", is written over a horizontal line.

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